

REMARKS

Claims 1-6 are currently pending in the subject application, and are presently under consideration. Claims 1-6 are rejected. Claims 8-14 and 16-24 have been withdrawn from consideration. This amendment is not meant to limit the claims in any manner. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

**I. Rejection of Claim 1 Under 35 U.S.C. §103(a)**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,148,261 to Obradovich, et al. ("Obradovich") in view of U.S. Publication No. 2004/0165369 to Lionetta, et al. ("Lionetta"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Enclosed are Declarations by Robert R. Berry, Henry Frank Gasbarro, and Joseph E. Carpenter, the inventors of the above referenced application, under 37 C.F.R. §1.131 establishing that the subject matter recited in claims 1-6 was conceived of and reduced to practice prior to February 13, 2003, the earliest available priority date of Lionetta.

Applicants' representative acknowledges that Exhibit C, which demonstrates the claimed tablet computer in operation, is a photograph published March 12, 2003, approximately one month after the earliest priority date of Lionetta. It is respectfully submitted, however, that the photograph would have to be submitted in advance of the publication of the article, and that schematic diagram of Exhibit A, along with the inventors' sworn statements and the short time frame between the priority date of Lionetta and the date of the publication of the photograph, provides a showing of facts that is sufficient, in character and weight, as to establish conception and reduction to practice of the claimed invention in this country prior to February 13, 2003. To the extent that the inventors' sworn statements that the prototype photographed in Exhibit C was built prior to February 13, 2003 are not accepted, it is respectfully submitted that, at the very least, conception of the invention is apparent from Exhibits A and B, and that Exhibit C represents a reduction of the invention to practice at least by March 12, 2003. The construction of the photographed prototype in Exhibit C over less than a month would represent clear

diligence in reducing the invention to practice. It is thus respectfully submitted that either conception and reduction to practice of the claimed invention prior to the February 13, 2003 priority date of Lionetta or conception of the invention prior to that date and diligent reduction to practice has been established. Lionetta should therefore not be available as prior art under 35 U.S.C. §102(e).

The current application was filed prior to the August 26, 2004 publication of Lionetta, so Lionetta also fails to qualify as prior art under 35 U.S.C. §102(a) and 35 U.S.C. §102(b). The Office Action acknowledges that Obradovich does not disclose one or more elements of claims 1, relying on Lionetta to provide these teachings. It is thus respectfully submitted that no prima facie case of obviousness has been established, and Applicant requests that the rejection of claim 1 be withdrawn.

## **II. Rejection of Claim 2 Under 35 U.S.C. §103(a)**

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich in view of Lionetta as applied to claim 1, and further in view of U.S. Publication No. 2003/0032426 to Gilbert, et al. ("Gilbert"). Since the rejection of claim 2 also relies upon Lionetta, applicant respectfully requests that the rejection of claim 2 be withdrawn.

## **III. Rejection of Claim 3 Under 35 U.S.C. §103(a)**

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich in view of Lionetta, and further in view of Gilbert as applied to claim 2, and further in view of U.S. Publication No. 2005/0162334 to Saunders, et al. ("Saunders"). Since the rejection of claim 3 also relies upon Lionetta, applicant respectfully requests that the rejection of claim 4 be withdrawn.

## **IV. Rejection of Claims 4 and 5 Under 35 U.S.C. §103(a)**

Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich, in view of Lionetta as applied to claim 2, and further in view of "Xilinx", by Bielby

("Bielby"). Since the rejection of claims 4 and 5 also relies upon Lionetta, applicant respectfully requests that the rejection of claims 4 and 5 be withdrawn.

**V. Rejection of Claim 6 Under 35 U.S.C. §103(a)**

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Obradovich, in view of Lionetta, as applied to claim 1, and further in view of U.S. Publication No. 2005/0114553 to Lada, et al. ("Lada"). Since the rejection of claim 6 also relies upon Lionetta, applicant respectfully requests that the rejection of claim 6 be withdrawn.

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 17 July 2008

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